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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/099,257	07/29/93	HOEKMAN	47241USA7B

EXAMINER	
LEFKOWITZ,E	12

ART UNIT	PAPER NUMBER
2617	15

ROBERT H. JORDAN
3M OFFICE OF INTELLECTUAL PROPERTY
COUNSEL, P.O. BOX 33427
ST. PAUL, MN 55133-3427

DATE MAILED: 10/18/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 7-29-93 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
3. ☒ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____.

Part II SUMMARY OF ACTION

1. ☒ Claims _____ are pending in the application.
   Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims _____ are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

PTOL-326 (Rev. 2/93)

1. Claims 1-4 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, the claim language "exit of a said vehicle" does not make coherent sense.

Claims 2-4 are rejected as being dependent upon a rejected claim.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Koerner et al. ('339). Koerner et al. is applied for the same reasons as stated in the last office action (see paper no.7 of parent case 07/716,004).

3. Claims 1-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by GB 2,066,539 (Alexander et al). Alexander et al. is applied for the same reasons as stated in the last office action (see paper no.7 of parent case 07/716,004).

4. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claim 5 is rejected under 35 U.S.C. § 103 as being unpatentable over Koerner et al. ('339). Koerner et al. is applied for the same reasons as stated in the last office action (see paper no.7 of parent case 07/716,004).

5. Applicant's arguments filed 7-29-93 have been fully considered but they are not deemed to be persuasive.

Applicant argues that Koerner et al. and Alexander et al. fail to disclose the concepts of the claimed invention. This argument is not persuasive since Koerner does disclose the concept of calculating a time at which a vehicle will have sufficiently travelled after exiting from a detection area (this concept is referred to by Koerner as the PRESENCE MODE, note

col.5 lines 51-54 and col.21 lines 56-62). Alexander also discloses the concept of calculating a time at which a vehicle will have sufficiently travelled after exiting from a detection area (note col.3 lines 118-129, the first detection circuit).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Lefkowitz whose telephone number is (703) 305-4816.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4750.

Edward Lefkowitz
September 29, 1993

JOHN K. PENG
SUPERVISORY PATENT EXAMINER
GROUP 2600